

Senate File 2262 - Introduced

SENATE FILE 2262
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2127)

A BILL FOR

1 An Act requiring radon testing and mitigation in public
2 schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.30 Radon testing and
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means
4 a test approved by the department of public health in which a
5 testing device remains in an area for not less than two days
6 and not more than ninety days to determine the amount of radon
7 in the air that is acceptable for human inhalation.

8 2. The board of directors of each public school district
9 shall establish a schedule for a short-term testing for radon
10 gas to be performed at each attendance center under its control
11 at least once by June 30, 2016, and at least once every ten
12 years thereafter, and following any new construction of an
13 attendance center or additions, renovations, or repairs to an
14 attendance center, unless otherwise provided by subsection 5.

15 3. If the results of a test at an attendance center are at
16 or above four picocuries per liter, the board of directors of
17 the public school district shall have a second short-term test
18 for radon gas and radon progeny performed at the attendance
19 center within ninety days of the first short-term test.

20 4. If the results of a second test at an attendance center
21 pursuant to subsection 3 are at or above four picocuries per
22 liter, the board of directors of the public school district
23 shall retain a person credentialed to perform radon abatement
24 measures pursuant to section 136B.1 to develop a radon
25 mitigation plan within ninety days of the second short-term
26 test. The board shall implement the radon mitigation plan
27 within one year of the second short-term test.

28 5. *a.* The board of directors of each public school district
29 shall have a short-term test for radon gas and radon progeny
30 performed every other year at any attendance center that has
31 implemented a radon mitigation plan pursuant to subsection 4 or
32 an alternative radon mitigation plan pursuant to paragraph "*b*"
33 of this subsection.

34 *b.* If the results of a biennial test at an attendance
35 center are at or above four picocuries per liter, the board of

1 directors of the public school district shall retain a person
2 credentialed to perform radon abatement measures pursuant to
3 section 136B.1 to develop an alternative radon mitigation plan
4 within ninety days of the biennial test. The board shall
5 implement the alternative radon mitigation plan within one year
6 of the biennial test.

7 c. The board of directors of each public school district
8 shall continue biennial radon testing at an attendance center
9 until the results of biennial radon testing at the attendance
10 center have been less than four picocuries per liter for four
11 consecutive years.

12 6. The board of directors of each public school district
13 shall submit the results of each radon test conducted at an
14 attendance center pursuant to this section to the department
15 of education within five days.

16 7. Radon testing pursuant to this section shall be conducted
17 by a person certified to conduct such testing pursuant to
18 section 136B.1 and shall be conducted as prescribed by the
19 department of public health. Radon mitigation plans and
20 alternative radon mitigation plans pursuant to this section
21 shall be developed and implemented as prescribed by the
22 department of public health.

23 8. The department of public health and the department of
24 education shall each adopt rules to jointly administer this
25 section.

26 Sec. 2. Section 298.3, subsection 1, Code 2014, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. n. Radon testing and radon mitigation
29 pursuant to section 280.30.

30 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code
31 2014, is amended to read as follows:

32 a. If the board of directors adopts a resolution to use
33 funds received under the operation of this chapter solely for
34 providing property tax relief by reducing indebtedness from the
35 levies specified under section 298.2 or 298.18, or for radon

1 be implemented within one year.

2 If the results of a short-term test at an attendance center
3 at which a radon mitigation plan has been implemented are at or
4 above four picocuries per liter, the bill requires the board
5 of directors of the public school district to retain a person
6 credentialed to perform radon abatement measures to develop
7 an alternative radon mitigation plan within 90 days. The
8 alternative radon mitigation plan must be implemented within
9 one year.

10 The bill requires biennial, short-term radon testing for any
11 school site at which a radon mitigation plan or an alternative
12 radon mitigation plan has been implemented, which continues
13 until the results have been less than four picocuries per liter
14 for four consecutive years.

15 The bill requires the board of directors of each public
16 school district to submit the results of each radon test
17 conducted at an attendance center pursuant to the bill to the
18 department of education within five days.

19 The bill defines "short-term test" as a test approved by
20 the department of public health in which a testing device
21 remains in an area for not less than two days and not more than
22 90 days to determine the amount of radon in the air that is
23 acceptable for human inhalation. Radon testing pursuant to the
24 bill must be conducted by a person certified to conduct such
25 testing and must be conducted as prescribed by the department
26 of public health. Radon mitigation plans and alternative radon
27 mitigation plans pursuant to the bill must be developed and
28 implemented as prescribed by the department of public health.

29 The bill requires the department of public health and
30 the department of education to each adopt rules to jointly
31 administer the provisions of the bill relating to radon testing
32 in schools.

33 The bill adds radon testing and radon mitigation pursuant to
34 the bill to the list of permissible uses of a physical plant
35 and equipment levy or revenues from the secure an advanced

1 vision for education fund under Code section 423F.3 or by a
2 school district.

3 The bill may include a state mandate as defined in Code
4 section 25B.3. The bill requires that the state cost of
5 any state mandate included in the bill be paid by a school
6 district from state school foundation aid received by the
7 school district under Code section 257.16. The specification
8 is deemed to constitute state compliance with any state mandate
9 funding-related requirements of Code section 25B.2. The
10 inclusion of this specification is intended to reinstate the
11 requirement of political subdivisions to comply with any state
12 mandates included in the bill.

13 The bill makes inapplicable Code section 423F.3, subsection
14 7, which requires a bill that would alter the purposes for
15 which the revenues received under Code section 423F.3 may be
16 used from infrastructure and property tax relief purposes
17 to any other purpose to be approved by a vote of at least
18 two-thirds of the members of both chambers of the general
19 assembly.